

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF AUGUST 13, 2021

Prepared on July 12, 2021

ITEM NUMBER: 7

SUBJECT: **Statewide General Permit for Wineries**

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KEY INFORMATION

Location:	Wineries throughout the Central Coast Region and statewide
Type of Discharge:	Winery wastewater, including process water, lees, and solids
Permit Coverage:	Wineries with 10,000 to 15 million gallons of winery process water per year
Treatment:	Various
Disposal:	Percolation
Reclamation:	Vineyard irrigation
Existing Orders:	R3-2017-0020 for the Central Coast Water Board and other orders in other regions

ACTION: **Information/Discussion**

SUMMARY

On January 20, 2021, the State Water Resources Control Board (State Water Board) adopted *General Waste Discharge Requirements for Winery Process Water* (Statewide Winery Permit). The Statewide Winery Permit is designed to streamline statewide permitting of winery process water discharges to land and achieve statewide consistency. Very small wineries are exempt from the permit if they comply with certain conditions.

State Water Board staff will attend the August 13, 2021 Board meeting to provide an overview of the Statewide Winery Permit and answer questions.

The Central Coast region currently has 334 winery facilities enrolled under Order No. R3-2017-0020, *General Waste Discharge Requirements for Discharges of Winery Waste and Categorical Waiver of Waste Discharge for Certain Small Wineries* (Central Coast Winery Permit). Facilities producing less than 10,000 cases (26,000 gallons) of wine annually qualify for the waiver. Approximately 75% (247) of the 334 enrolled Central Coast winery facilities are regulated under the waiver regulatory measure. The waiver portion of the Central Coast Winery Permit is due for renewal by September 21,

2022. Waiver coverage for the smaller wineries will expire unless coverage is rolled over into a new order. Some wineries that are currently covered under the waiver portion of the Central Coast Winery Permit will be exempt under the Statewide Winery Permit.

The Central Coast region has eight wineries enrolled in individual permits. If a winery produces less than 15 million gallons per year of process water, it will be eligible for coverage in the Statewide Winery Permit and will be enrolled in the permit. In addition, the Central Coast Region has four wineries enrolled in Order No. R3-2019-0089, *General Waiver for Specific Types of Discharges* (Low Threat Permit). These wineries are part of a larger group of wineries that were enrolled in the Low Threat Permit prior to the development of the Central Coast Winery Permit that staff has been working on to move into Central Coast Winery Permit.

DISCUSSION

Central Coast Winery Permit

The Central Coast Water Board first adopted a regional general permit for wineries in 2008. The current Central Coast Winery Permit was renewed on October 2, 2017, and the waiver portion is due for its next renewal by October 2022.

The Central Coast Winery Permit groups all wineries into two categories based on the volume of wine produced. Those producing over 10,000 cases (26,000 gallons) of wine annually are enrolled; these facilities pay an annual fee and submit annual reports. Facilities under 10,000 cases are regulated under the waiver, pay a one-time application fee, and do not submit annual reports.

Statewide Winery Permit

The Statewide Winery Permit classifies winery facilities into four risk-based regulatory tiers based on the annual process water design flow, not cases of wine produced like the Central Coast Winery Permit. General permit requirements, including effluent limitations, loading limits, siting and operational requirements, monitoring and reporting requirements, and schedules to comply vary depending on the regulatory tier, with the most stringent requirements applied to Tier 4, the highest-risk tier, for facilities producing process water flows from 1 million to 15 million gallons per year. The Statewide Winery Permit also includes a provision that exempts wineries producing less than 10,000 gallons of process water per year from applying for coverage, provided the winery implements appropriate general practices to manage its process water, such as maintaining all winery waste in the appropriate onsite areas, managing winery waste to prevent spills and minimize any nuisance conditions, and properly managing stormwater that contacts winery waste as process water. Facilities discharging more than 15 million gallons annually cannot be covered by the Statewide Winery Permit and will require a site-specific individual permit or coverage by a different general permit.

The Statewide Winery Permit provides common guidelines and fees for all winery facilities throughout the state. The Statewide Winery Permit requires larger facilities to

improve treatment systems and add groundwater monitoring networks to demonstrate that operations do not degrade groundwater resources.

Compliance schedules are built into the Statewide Winery Permit allowing facilities to prepare and plan for improvements. The Statewide Winery Permit also allows facilities in the same watershed to develop collective regional monitoring networks.

Transitioning from Central Coast Winery Permit to Statewide Winery Permit

In preparation for winery operator enrollment, the State Water Board has posted the Statewide Winery Permit, example requirement matrices, and an introduction video on its website. Please find below a link to general information on the Statewide Winery Permit, including an unofficial copy of the permit.

https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html

The State Water Board's rollout includes tools to promote a streamlined enrollment process, such as an internal implementation plan to clarify enrollment eligibility, compliance schedules, and technical requirements; an electronic enrollment process; and improved webpage accessibility. State Water Board staff is working on posting application procedures, reporting templates, and fee payment information on its website. Central Coast Water Board staff is meeting regularly with State Water Board staff to develop and improve the implementation plan.

Central Coast Water Board staff plans to begin transitioning facilities from the Central Coast Winery Permit to the Statewide Winery Permit in the summer of 2022. This will allow time for the State Water Board to develop a robust electronic application submittal process that will reduce the administrative time spent on processing permit applications. This timing is also intended to enable Central Coast Water Board staff to complete other key items like the Santa Cruz County Local Agency Management Program and transitioning our 43 large domestic wastewater facilities into the general permit that the Central Coast Water Board adopted a year ago. Transitioning facilities into the Statewide Winery Permit is new workload for the unit and has not come with additional staffing resources. The unit will incorporate this work amongst the unit's other key tasks over time.

The Central Coast Water Board does not currently have accurate information on how much process water wineries in the Central Coast Region produce. Our current permit is based on quantity of wine produced. It is therefore unknown at this time how many wineries in the Central Coast will be enrolled in the Statewide Winery Permit, how many will be exempt from enrolling, and how many are too large to be enrolled in the Statewide Winery Permit and will require an individual permit or different general permit.

Compliance History

The compliance history of the wineries enrolled in the Central Coast Winery Permit varies. In 2019 the Central Coast Water Board issued staff enforcement letters to 47

wineries for failing to submit required reports. Staff is currently working on sending notices of violation to the facilities that continue to fail to submit the required reports.

Central Coast Water Board staff in the Waste Discharge Requirements Unit must prioritize their time and enforcement efforts among the over 900 facilities that they regulate including large wastewater treatment plants, small domestic wastewater treatment facilities, fruit and vegetable processing facilities, industrial facilities, recycled water facilities, and aquifer storage and recovery facilities.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California “that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The Statewide Winery Permit is consistent with Resolution No. R3-2017-0004 by requiring salt and nutrient management plans upon request, requiring groundwater monitoring at large facilities, and ensuring that best practicable treatment or control (BPTC) of discharges is implemented during beneficial reuse projects to protect groundwater and surface water that serve as sources of drinking water. Regulating these types of facilities in compliance with the Statewide Winery Permit will result in improved water quality, particularly with respect to salts and nutrients.

Disadvantaged Communities

The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of people of all ethnicities, cultures, backgrounds and income levels, including disadvantaged communities (DACs). Additionally, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

The Statewide Winery Permit regulates winery facilities statewide. Regulating these types of facilities in compliance with the Statewide Winery Permit will result in improved water quality and groundwater resources protection. In time this should result in less costly drinking water treatment for nearby DACs. If any concerns arise with respect to this change in regulatory coverage for wineries, Central Coast Water Board staff will help facilitate outreach and education efforts to inform affected parties and connect them with additional information and available resources.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies

how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

The State Board Winery Order helps promote climate change-related adaptation, mitigation, and/or resiliency by encouraging on-farm composting and the reuse of the material onsite to build healthy soils. This supports the governor's healthy soils initiative by sequestering carbon. The order also allows the use of process water for onsite crop irrigation and addresses pond sizing for large storm events regardless of season. This supports water reuse goals and can contribute to aquifer recharge.

CONCLUSION

The Statewide Winery Permit will provide streamlined and consistent permitting for wineries and increased water quality protections throughout the state. Central Coast Water Board staff will continue to work with State Water Board staff to develop an implementation plan.

LINKS

1. [Statewide Winery Permit - Unofficial Adoption Copy](#)
2. [Statewide Winery Permit Fact Sheet](#)
3. [Statewide Winery Permit Introduction Video](#)
4. [Statewide Winery Permit Requirement Matrices](#)
5. [Statewide Winery Permit Fee Schedule Agenda](#) (includes link to adopted fee schedule as change sheet 1)
6. [Statewide Winery Permit General Information](#)

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